

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

FRED HANEY, MARSHA MERRILL,
SYLVIA RAUSCH, STEPHEN SWENSON,
and ALAN WOOTEN, individually, and on
behalf of all others similarly situated,

Plaintiffs,

v.

GENWORTH LIFE INSURANCE
COMPANY and GENWORTH LIFE
INSURANCE COMPANY OF NEW
YORK,

Defendants.

Civil Action No.: 3:22-cv-00055-REP

**SUPPLEMENT TO CLASS COUNSEL’S APPLICATION FOR AN AWARD OF
ATTORNEYS’ FEES AND EXPENSES AND SERVICE AWARDS TO THE NAMED
PLAINTIFFS**

Class Counsel respectfully submit this Supplement to Class Counsel’s Application for an Award of Attorneys’ Fees and Expenses and Service Awards to the Named Plaintiffs (ECF No. 41) (“Fee Motion”). This Supplement updates Class Counsel’s incurred lodestar, which was only current through September 1, 2022 in the prior filing. The additional lodestar reflects the considerable work Class Counsel has done in fielding thousands of phone calls from Class Members regarding the Settlement Notice, additional work on the Final Approval motions and supporting documents that occurred after September 1, 2022, and the work necessary to prepare the Reply brief responding to the objections that were filed (ECF No. 79). In the prior Genworth actions (*Skochin v. Genworth Fin., Inc.*, No. 3:19-cv-49-REP (E.D. Va.) and *Halcom v. Genworth Life Ins. Co.*, No. 3:21-cv-00019-REP (E.D. Va.)), the Court had requested detailed time reports shortly before the final approval hearings. Those time reports thus included

virtually all the time Class Counsel had devoted to those cases prior to those hearings. These supplemental time reports similarly capture virtually all lodestar Class Counsel has incurred up to the Final Approval Hearing. This updated lodestar results in the requested attorney's fee cap of \$13 million representing a 6.7 multiple, compared to the 9.05 multiple awarded in *Skochin* (2020 WL 6536140, at *10 (E.D. Va. Nov. 5, 2020)) and the 8.4 multiple awarded in *Halcom* (2022 WL 2317435, at *13 (E.D. Va. June 28, 2022)).

DATED: November 14, 2022

PHELAN PETTY, LLC

/s/ Jonathan M. Petty

JONATHAN M. PETTY (VSB No. 43100)
MICHAEL G. PHELAN (VSB No. 29725)
3315 West Broad Street
Richmond, VA 23230
Telephone: 804/980-7100
804/767-4601 (fax)
jpetty@phelanpetty.com
mphelan@phelanpetty.com

ROBBINS GELLER RUDMAN
& DOWD LLP
STUART A. DAVIDSON (*pro hac vice*)
BRADLEY BEALL (*pro hac vice*)
120 East Palmetto Park Road, Suite 500
Boca Raton, FL 33432
Telephone: 561/750-3000
561/750-3364 (fax)
sdavidson@rgrdlaw.com
bbeall@rgrdlaw.com

GOLDMAN SCARLATO & PENNY, P.C.
BRIAN DOUGLAS PENNY
Eight Tower Bridge, Suite 1025
161 Washington Street
Conshohocken, PA 19428
Telephone: 484/342-0700
484/342-0701 (fax)
penny@lawgsp.com

BERGER MONTAGUE PC
SHANON J. CARSON
GLEN L. ABRAMSON
1818 Market Street, Suite 3600
Philadelphia, PA 19103
Telephone: 215/875-3000
215/875-4604 (fax)
scarson@bm.net
gabramson@bm.net

Attorneys for Plaintiffs and Class Counsel

CERTIFICATE OF SERVICE

I hereby certify that on November 14, 2022 I filed the foregoing pleading or paper through the Court's CM/ECF system, which sent a notice of electronic filing to all registered users.

/s/ Jonathan M. Petty

Jonathan M. Petty (VSB No. 43100)

PHELAN PETTY, LLC

3315 West Broad Street

Richmond, VA 23230

Telephone: 804/980-7100

804/767-4601 (fax)

jpetty@phelanpetty.com

Counsel for Plaintiffs